IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.3421 of 2004
Date of decision: September 7, 2006.

Municipal Corporation, Ludhiana

...**Petitioner(s)**

v.

Harbans Lal & Ors.

...**Respondent(s)**

Present: Shri Harsh Aggarwal, Advocate for the petitioner.

Shri Amit Rana, Advocate for respondent No.1.

Surya Kant, J. (Oral)

This revision petition has been preferred against the order dated 12th November, 2003 passed by the first appellate court vide which Misc. Civil Appeal No.25 of 2002, filed by the petitioner-Corporation against the ad-interim injunction order dated 17.8.2001 of the Civil Judge (Junior Division), Ludhiana, has been dismissed being time barred.

At the outset, Learned Counsel for respondent No.1 – plaintiff states that during the interregnum, the plaintiff has already concluded his evidence and the case is now fixed for defendant's evidence. In this view of the matter, even if it is assumed that the petitioner had a 'sufficient cause' for not filing the appeal in time and/or that its appeal ought to have been heard and decided by the first appellate court on merits, no useful purpose is likely to be served, as by the time the learned first appellate court will decide the appeal on merits, proceedings in the civil suit itself would stand concluded.

Consequently, having regard to all the attending circumstances, this petition is disposed of with a direction to the learned trial court to make an endeavour to conclude the proceedings in the civil suit as early as possible and preferably within six months.

September 7, 2006. [**Surya Kant**]
kadyan **Judge**